IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1871 of 2005

Between:

1 E.V. Krishna Rao, S/o. E. Pedavenkanna,
Municipal Upper Primary School, Tadepalligudem

Municipality,
Tadepalligudem, West Godavari District.
2 V. Sujatha, W/o. Sivarama Krishna Shanmukha Sastry,
Municipal Upper Primary School, Tadepalligudem

Municipality,Tadepalligudem, West Godavari District.

..... PETITIONERS

AND

1 The Commissioner, Tadepalligudem Municipality,
Tadepalligudem, West Godavari District.
2 The District Educational Officer, West Godavari District at

Eluru.
3 The Director, Municipal Administration Department,

B.R.K.R. Buildings,
M.Ch.H. Complex, Hyderabad.
4 M. Kanakavalli, School Assistant, (English), M.E.D.O.

Municipal Girl High School,
Tallamudunurupadu, Tedepalligudem Mandal,
West Godavari District.
5 B. Willan Carey, School Assistatn (English),
Municipal Girs High School, Subbaraopeta, Tedepalligudem

Mandal,
West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass orders, particularly in the nature of Writ of Mandamus, declaring the orders of the 1st respondent in promoting the unqualified candidates who are Respondents 4 and 5 and ignoring the petitioners and the orders of the Honourable A.P. Administrative Tribunal giving obsolute liberty to the 1st respondent to consider the petitioners only if they choose to fill up the vacancies which were notified as arbitrary, illegal, discriminatory and contrary to the rules, and violative of Articles 14, 16 and 21 of the Constitutions of India and consequently direct the respondents to promote the petitioners with effect fro the date of promotion of the respondents 4 and 5.

Counsel for the Petitioner:MR.KASAJAGANMOHAN REDDY

Counsel for the Respondent No.1: MR.S.NAGESWARA REDDY

For Respondent NO.2. G.P for Services-I.

The Court at the admission stage made the following :

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O R D E R: (**Per G.Bikshapathy.J**)

This writ petition is filed assailing the interlocutory order passed by the Andhra Pradesh Administrative Tribunal in O.A.No.4562 of 2004, dated 16-8-2004.

2. The matter relates to the promotion of petitioners to the post of B.Ed., Assistants in English. Pending O.A. and the Tribunal passed interim order to the following effect:

> *"Pending disposal of the O.A., there shall be a direction to the respondents to consider the claims of the applicants for promotion to the post of B.Ed., Assistants in English, if they are qualified and eligible as per Rules and if they choose to fill up the vacancies".*

3. Challenging the said order, this writ petition has been filed.

4 . The learned counsel for the petitioners submits that in another O.A.No.626 of 2004 filed by respondent Nos.4 and 5, there is an interim stay of the order passed by the District Educational Officer canceling the promotion of respondent Nos.4 and 5.

5 . Unless the matter is heard, the petitioners cannot have a chance of getting promotion. Inasmuch as the present O.A.No.4562 of 2004 is concerned, it is interconnected with O.A.626 of 2004. Hence, it is desirable that the Tribunal shall dispose of both O.A.Nos.4562 & 626 of 2004 jointly, within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No costs.

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G.BIKSHAPATHY.J.,

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P.S.NARAYANA.J.,

16th February, 2005.

Mrb/Tjs

To

1 The Commissioner, Tadepalligudem Municipality,
Tadepalligudem, West Godavari District.
2 The District Educational Officer, West Godavari District at

Eluru.
3 The Director, Municipal Administration Department,

B.R.K.R. Buildings,
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Mandal,
West Godavari District.

6. Two CCs to the Government Pleader for Services-I, High Court Buildings, Hyderabad(OUT)

7. Two CD copies.